

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

i2 Technologies US, Inc., and  
i2 Technologies, Inc.,

Plaintiffs,

v.

SAP AG, and  
SAP America, Inc.,

Defendants.

Civil Action No. 2-06-CV-352-CE

**JURY TRIAL REQUESTED**

**MOTION FOR DISMISSAL WITH PREJUDICE**

Comes now Plaintiffs, i2 Technologies US, Inc., and i2 Technologies, Inc., (collectively, “i2”) and files this Motion for Dismissal with Prejudice as to Defendants SAP AG and SAP America, Inc. (collectively, “SAP”). i2 has agreed to dismiss all claims asserted against SAP in this case with prejudice in accordance with a Patent License and Settlement Agreement.

Accordingly, i2 seeks to dismiss with prejudice of all claims asserted in this case against SAP. The parties have agreed that they shall bear their own attorneys' fees, expenses, and costs.

Dated: September 3, 2008

Respectfully submitted,

**McKOOL SMITH, P.C.**

/s/ Sam Baxter

Sam Baxter, Lead Attorney  
Texas State Bar No. 01938000  
sbaxter@mckoolsmith.com  
McKool Smith, P.C.  
104 East Houston, Suite 300  
Marshall, Texas 75670  
Telephone: (903) 923-9000  
Facsimile: (903) 923-9099

Theodore Stevenson, III  
Texas State Bar No. 19196650  
[tstevenson@mckoolsmith.com](mailto:tstevenson@mckoolsmith.com)  
David Sochia  
Texas State Bar No. 00797470  
dsochia@mckoolsmith.com  
M. Jill Bindler  
Texas State Bar No. 0231960  
jbindler@mckoolsmith.com  
McKool Smith, P.C.  
300 Crescent Court, Suite 1500  
Dallas, Texas 75201  
Telephone: (214) 978-4000  
Telecopier: (214) 978-4044

Andrew W. Spangler  
Texas State Bar No. 24041960  
spangler@spanglerlawpc.com  
Spangler Law P.C.  
208 N. Green St., Suite 300  
Longview, Texas 75601  
Telephone: (903) 753-9300  
Telecopier: (903) 553-0403

**ATTORNEYS FOR PLAINTIFFS  
i2 TECHNOLOGIES US, INC. AND i2  
TECHNOLOGIES, INC.**

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Notice was electronically filed in compliance with Local Rule CV-5(a). As such, this Notice was served on all counsel who are deemed to have consented to electronic service on September 3, 2008.

/s/ Sam Baxter  
Sam Baxter

**CERTIFICATE OF CONFERENCE**

I hereby certify that on September 2, 2008 I conferred with Louis Campbell, with counsel for SAP on the relief requested in this motion pursuant to L.R. CV-7(h) and that the parties agree to the relief requested.

/s/ M. Jill Bindler  
M. Jill Bindler